

**FILED**  
USDC, WESTERN DISTRICT OF LA  
ROBERT H. SHEMWEILL, CLERK  
DATE 3, 20, 00  
BY LM

**UNITED STATES DISTRICT COURT**

**WESTERN DISTRICT OF LOUISIANA**

**LAFAYETTE-OPELOUSAS DIVISION**

**JOEL A. MORVANT, SR.,  
MONICA MORVANT,  
JOEL A. MORVANT, JR., AND  
RIDGE M. MORVANT**

**\* CIVIL ACTION NO.: CV99-1427**

**\* SECTION L-O**

**\***

**VERSUS**

**\* JUDGE TUCKER L. MELANCON**

**L&L SANDBLASTING, INC. and  
CXY ENERGY INC.**

**\* MAGISTRATE METHVIN**

\*\*\*\*\*

**STATEMENT OF UNCONTESTED FACTS**

NOW INTO COURT, through undersigned counsel comes defendant, CXY Energy Inc. who submits the following Statement of Uncontested Facts in support of its Motion for Summary Judgment:

- 1) Plaintiff, Joel A. Morvant, Sr., claims to have been injured while working aboard CXY Energy Inc. Eugene Island Platform 259"B" at 12:15 a.m. (0015 hours) on August 8, 1998. (Deposition Exhibit 1 of Joel A. Morvant, 2/23/00)
- 2) Plaintiff, Joel A. Morvant, Sr., was first employed as a production operator



by C&D Production Specialists Company, Inc. in 1996. (Deposition of Joel A. Morvant, 2/23/00, pages 21-22)

- 3) C & D Production Specialists Company, Inc. assigned him to work for CXY Energy Inc. four to five months after he was first hired by C & D. (Deposition of Joel A. Morvant, 2/23/00, page 23)
- 4) Plaintiff, Joel A. Morvant, Sr., understood that he would be working with CXY Energy Inc. until further notice. (Deposition of Joel A. Morvant, 2/23/00, page 40-41)
- 5) At the time of his alleged accident, 8/8/98, plaintiff, Joel A. Morvant, Sr., had been working in CXY Energy Inc.'s Eugene Island field for approximately two (2) years as a production operator. (Deposition of Joel A. Morvant, 2/23/00, page 24)
- 6) CXY Energy Inc. assigned plaintiff, Joel A. Morvant, Sr., to CXY Platforms 259"C" and 259"A" prior to assigning him to 259"B". (Deposition of Joel A. Morvant, 2/23/00, page 24)
- 7) Plaintiff, Joel A. Morvant, Sr., reported to his supervisor, Mike King, senior production operator for CXY Energy Inc. (Deposition of Joel A. Morvant, 2/23/00, page 25)
- 8) CXY Energy Inc. provided plaintiff, Joel A. Morvant, Sr., with all instructions for his work as a production operator on CXY platforms.

(Deposition of Joel A. Morvant, 2/23/00, pages 41 and 286)

- 9) Plaintiff, Joel A. Morvant, Sr., relied solely on CXY Energy Inc. to provide him with his job duties as production operator on CXY platforms.

(Deposition of Joel A. Morvant, 2/23/00, page 286)

- 10) Plaintiff, Joel A. Morvant, Sr., performed his work according to orders from CXY Energy, Inc. (Deposition of Joel A. Morvant, 2/23/00, page 180)

- 11) CXY Energy Inc. had the right to discharge plaintiff, Joel A. Morvant, Sr.

(Deposition of Joel A. Morvant, 2/23/00, page 181)

- 12) Plaintiff, Joel A. Morvant, Sr., was subject to discharge by CXY Energy, Inc. if he failed to follow CXY's rules. (Deposition of Joel A. Morvant, 2/23/00, page 256)

- 13) While working in CXY Energy Inc.'s Eugene Island field, the only reason plaintiff, Joel A. Morvant, Sr., went to C&D's office was to drop off time tickets. (Deposition of Joel A. Morvant, 2/23/00, page 40)

- 14) Plaintiff, Joel A. Morvant, Sr., had to have CXY Energy Inc. approve his time sheets before he could take them to C&D Production Specialists, Inc. to be paid. (Deposition of Joel A. Morvant, 2/23/00, page 181-182)

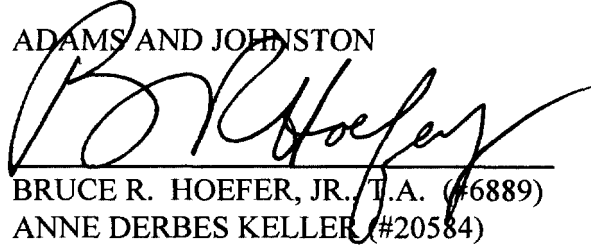
- 15) CXY Energy Inc. provided work evaluations regarding the work performance of plaintiff, Joel A. Morvant, Sr. (Deposition of Joel A. Morvant, 2/23/00, page 189-190)

- 16) No one from C&D Production Specialists Company, Inc. was ever on the platforms with the plaintiff, Joel A. Morvant, Sr., to observe his work performance. (Deposition of Joel A. Morvant, 2/23/00, page 189-190)
- 17) The work evaluations of plaintiff, Joel A. Morvant, Sr., prepared by CXY Energy Inc. provided the basis for his promotions. (Deposition of Joel A. Morvant, 2/23/00, page 194)
- 18) Plaintiff, Joel A. Morvant, Sr., was subject to being reprimanded, and had in fact been reprimanded, by CXY Energy, Inc. supervisors. (Deposition of Joel A. Morvant, 2/23/00, pages 191-193)
- 19) CXY Energy Inc. provided the equipment necessary for plaintiff, Joel A. Morvant, Sr., to perform his work as production operator on CXY platforms. (Deposition of Joel A. Morvant, 2/23/00, page 32)
- 20) As the production operator for CXY Platform 259"B", plaintiff was responsible for providing information regarding platform 259"B" for inclusion in CXY's morning reports. (Deposition of Joel A. Morvant, 2/23/00, p. 34)
- 21) Platform 259"B," the location of plaintiff's alleged accident, was located on the Outer Continental Shelf off the coast of Louisiana. (Plaintiff's Complaint for Damages, Par. IV.)
- 22) CXY and C&D Production Specialists Company, Inc. entered into a Master

Service Agreement dated October 18, 1995 that was in force and effect at the time of plaintiff's alleged accident.

Respectfully submitted:

ADAMS AND JOHNSTON



BRUCE R. HOEFER, JR., T.A. (#6889)

ANNE DERBES KELLER (#20584)

601 Poydras Street, Suite 2490

New Orleans, LA 70130

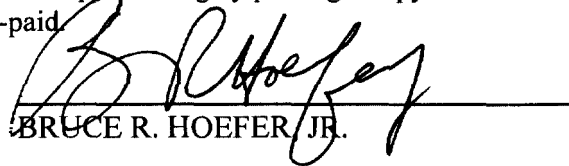
Tele: (504) 581-2606

Fax: (504) 525-1488

Counsel for CXY Energy Inc.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have on this 17<sup>th</sup> day of March 2000, served a copy of the above and foregoing pleading on counsel for all parties to this proceeding by placing a copy of same in the United States Mail, properly addressed and postage pre-paid.



BRUCE R. HOEFER, JR.

*Order*

**RECEIVED**  
USDC, WESTERN DISTRICT OF LA  
ROBERT H. SHERWELL, CLERK  
DATE 3 / 20 / 00

LAW OFFICES  
**ADAMS AND JOHNSTON**  
A PROFESSIONAL LAW CORPORATION  
SUITE 2490  
PAN AMERICAN LIFE CENTER  
601 POYDRAS STREET  
NEW ORLEANS, LOUISIANA 70130

TELEPHONE  
(504) 581-2606  
TELECOPIER  
(504) 525-1488  
E-MAIL:  
a&j@aj-law.com

March 17, 2000

604-011

*Clerk of Court  
United States District Court  
Western District of Louisiana  
Lafayette-Opelousas Division  
800 Lafayette Street  
Lafayette, Louisiana 70501*

**RE: Joel A. Morvant, Sr., et al v. L & L Sandblasting, Inc. and CXY Energy Inc.  
USDC (WDLA) No. CV99-1427 L-O**

Dear Clerk:

Please find enclosed an original and one copy of the following pleadings which we would appreciate your filing into the record of the above-referenced matter:

1. Motion for Summary Judgment (with Exhibits) on behalf of CXY Energy Inc.;
2. Memorandum in Support of Motion for Summary Judgment on behalf of CXY Energy Inc.;
3. Statement of Uncontested Facts; and
4. Motion to Set for Hearing.

After filing, please return the conformed, date-stamped copies in the envelope provided.

*Done*  
*ew*

Very truly yours,

*B. R. Hofer*  
Bruce R. Hofer, Jr.

BRH/mpk  
Enclosure

cc: The Honorable Judge Tucker L. Melancon  
Kenneth W. Jacques  
James P. Doherty, III  
Ted Williams